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10/621,289	07/17/2003	Richard W. Ragan JR.	RSW920030060US1	2496
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HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207			EXAMINER THERIAULT, STEVEN B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,289	Applicant(s) RAGAN ET AL.	
	Examiner STEVEN B. THERIAULT	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed 02/14/2008.

This action is made Final.

2. Claims 1 -25 are pending in the case. Claims 1, 11, 14, and 20 are the independent claims. T

Claim Rejections - 35 USC § 101

3. In light of applicant's amendment the previous rejection is now considered moot as the applicant has removed the computer program product language from the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-9, 11-12, 14-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Eruhimov et al. (Hereinafter Eruhimov U.S. Patent Publication No. 20040215591 filed Apr. 25, 2003.**

In regard to **Independent claim 1**, Eruhimov teaches a method of automatically customizing a user interface the method (See Figure 8) comprising:

- Identifying a user of the user interface (see Para 16-19 and Figure 8). Eruhimov teaches organizing the information based on **the** user's interaction with the items. Therefore, the

system must identify the user because one user's traversal of frequently accessed items will be different from another and applying a shortcut to an item that the user has accessed for another user would be contra to the applicant's invention.

- Displaying an object within the user interface (Eruhimov Figure 3 and 4). Eruhimov expressly discloses displaying an object within the interface, such as files and menu items and icons (see Para 22).
- Displaying a plurality of shortcuts for the object automatically adjusted based on the user and a history of the object operations performed by the user to manage the object, wherein at least one shortcut of the plurality of shortcuts comprises a control for managing data in an application. (Eruhimov Para 32 and Figure 8). Eruhimov expressly teaches creating a shortcut based on the number of times **the user** has accessed the object.

With respect to **dependent claim 2**, Eruhimov teaches the method wherein the plurality of shortcuts comprises one of: a hyperlink, a button, an icon, a toolbar control, and a menu item (See Para 22 and Figure 3-4). Eruhimov teaches the files or menu items are shortcuts and icons can be shortcuts.

With respect to **dependent claim 3**, Eruhimov teaches the method wherein the object comprises one of a data file and a set of related data within a data file (Eruhimov Figure 7 shows files and folders).

With respect to **dependent claim 4**, Eruhimov teaches the method further comprising recording object operations that are performed by the user on the object to create the history of object operations (See Para 29-30).

With respect to **dependent claim 5**, Eruhimov teaches calculating a frequency that each object operation was selected by the user, and determining a particular object operation having the highest frequency (See Para 34 and Figure 8). Eruhimov teaches calculating an index of items

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that are accessed by the user. The top item in the index will be the most frequent item accessed by the user (See also Para 30).

With respect to **dependent claim 6**, Eruhimov teaches the method further comprising managing the object using an application wherein the displayed shortcut is further based on the application (See Para 16 and 17).

As to **dependent claim 7, 17 and 23**, Eruhimov teaches the method, system and medium (See Para 13) wherein the object has one of a plurality of object states and wherein the displayed shortcuts are further based on object state (Eruhimov Para 19). Eruhimov teaches the user folders are hierarchically organized and Figure 7 shows the state of the object in a menu. For example, the items are selected and then displayed on the tree in an open state. Therefore, a state can be where the item is active and displayed to the user. The "drive A" item would not be displayed to the user if it were not selected by the user. Couple this rationale with the tracking of how many times the user has accessed the path and generating the shortcut to the folder, then the structure exists to have an object with a state of selected and in a child node arrangement on a tree.

With respect to **dependent claim 8**, Eruhimov teaches the method wherein the user has a user attribute and wherein the displayed shortcut are further based on a history of object operations selected by a set of users having the user attribute (Para 17). Eruhimov teaches the interface may consist of the Microsoft Windows system and all users within the Window system have a login ID and objects on the interface are organized by a user's profile.

With respect to **dependent claim 9**, Eruhimov teaches the method wherein the object has an object attribute and wherein the displayed shortcut is further based on a history of object operations selected for a set of objects having the object attribute (See Para 26-30). Eruhimov teaches the auto shortcut is generated automatically based on the number of times it has been accessed by **the user** (See also Figure 8) and the objects have attributes, where they are files or folders on a menu or are icons (See Para 22).

In regard to **Independent claim 11**, Eruhimov teaches the method of automatically customizing a user interface the method comprising:

- Identifying a user of the user interface (see Para 16-19 and Figure 8). Eruhimov teaches organizing the information based on **the** user's interaction with the items. Therefore, the system must identify the user because one user's traversal of frequently accessed items will be different from another and applying a shortcut to an item that the user has accessed for another user would be contra to the applicant's invention.
- Displaying an object within the user interface, wherein the object has an object attribute (Eruhimov Figure 3 and 4). Eruhimov expressly discloses displaying an object within the interface, such as files and menu items and icons (see Para 22). The objects displayed in the screen all have object attributes where they are files or folders on a menu or are icons (See Para 22) and they are located in the hierarchical structure, which is an attribute of the object.
- Recording object operations that are performed by the user on the object to manage the object in a history of object operations (See Para 29-30 and 35). Eruhimov teaches collecting access statistics.
- Displaying a plurality of shortcuts for the object automatically adjusted based on the user, the object attribute, and a history of the object operations performed by the user to manage the object, wherein at least one shortcut of the plurality of shortcuts comprises a control for managing data in an application. (Eruhimov Para 32 and Figure 8). Eruhimov expressly teaches creating a shortcut based on the number of times **the user** has accessed the object.

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With respect to **dependent claim 12**, Eruhimov teaches the method further comprising managing the object using an application wherein the displayed shortcut are further based on the application (See Para 16 and 17).

In regard to **Claims 14-16**, claims 14-16 reflect the system comprising computer readable instructions for performing the steps of method claims 11-12, respectively, and are rejected along the same rationale.

With respect to **dependent claim 18**, Eruhimov teaches the method wherein the user has a user attribute and wherein the displayed shortcuts are further based on a history of object operations selected by a set of users having the user attribute (Para 17). Eruhimov teaches the interface may consist of the Microsoft Windows system and all users within the Window system have a login ID and objects on the interface are organized by a user's profile.

With respect to **dependent claim 19**, Eruhimov teaches the method wherein the object has an object attribute and wherein the displayed shortcut is further based on a history of object operations selected for a set of objects (See Para 26-30). Eruhimov teaches the auto shortcut is generated automatically based on the number of times it has been accessed by **the user** (See also Figure 8) and the objects have attributes, where they are files or folders on a menu or are icons (See Para 22).

In regard to **Claims 20-22**, claims 20-22 reflect the program product comprising computer readable instructions for performing the steps of method claims 11-12, respectively, and are rejected along the same rationale.

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With respect to **dependent claim 24**, claim 24 incorporates substantially similar subject matter as claimed in claim 18, and is respectfully rejected along the same rationale.

With respect to **dependent claim 25**, claim 25 incorporates substantially similar subject matter as claimed in claim 19, and is respectfully rejected along the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eruhimov et al. (Hereinafter Eruhimov) U.S. Patent Publication No. 20040215591 filed Apr. 25, 2003, in view of Schacher et al. (Hereinafter Schacher) U.S. Patent No. 6002402 issued Dec. 14, 1999.

With respect to **dependent claims 10 and 13**, as indicated in the above discussion, Eruhimov teaches the method steps of claim 1 and 12.

Eruhimov does not expressly teach reserving a portion of the display area of the user interface for displaying shortcuts wherein the shortcuts are displayed in the reserved portion. Eruhimov teaches organizing the shortcuts on the interface and placing them in the normal UI interface locations for folder (See Figure 7 and 3-4) but does not teach a reserved portion for the shortcuts. However, Schacher teaches the method further comprising reserving a portion of the display area of the user interface for displaying shortcuts wherein the shortcuts are displayed in the reserved portion (Schacher Figure 6). Schacher shows a task bar where the shortcuts are displayed which can be a reserved area because task bars are known in the common art to display icons for applications (See column 16, lines 1-5, 630). Schacher and Eruhimov teach displaying objects and teach creating shortcuts.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Schacher and Eruhimov in front of them, to modify the system of Eruhimov to incorporate the reserved location for placing the automatic shortcuts or objects on the interface. The motivation Schacher and Eruhimov comes from the suggestion in Schacher to provide an object on a toolbar that represent menu options that are normally accessed through several levels of interaction by the user. By placing the object on the desktop as a shortcut the user can access the item quicker and by doing this the user can bring the favorite tool of the user to the forefront, which is an expressed example as to the teachings of Eruhimov in creating an automatic shortcut by monitoring the number of time the user travels a given path to reach a menu item and then creating a shortcut based on the path item. A favorite tool accessed by the user would be indicated as a highly probable accessed item and located high in the index of Eruhimov and therefore motivation comes from the suggestion in Schacher to provide the tool quicker and with easier activation to the user (See column 13, lines 1-37).

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. Applicant has changed the scope of the independent claims by adding the limitation of automatically organizing the interface for the user.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179